

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HOWARD A. CARTER,)
 Plaintiff,) Civil Action No. 1:16-cv-00007-BR-SPB
))
 v.))
))
))
KATHLEEN KANE, et al.,))
 Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having considered the Report and Recommendation of Magistrate Judge Susan Paradise Baxter, Plaintiff's Objections, and the balance of record, **HEREBY ORDERS:**

- (1) The Court **PARTIALLY ADOPTS** the Report and Recommendation.
- (2) Defendants Cerwin, Pettri, Cho, and Cherck are **DISMISSED** due to Plaintiff's failure to prosecute.
- (3) Defendant Randolph will not be dismissed until Plaintiff has had an opportunity to submit a USM-285 form; he will have 30 days from the date of this order to do so.¹
- (4) The Clerk shall send copies of this Order to the parties.

IT IS SO ORDERED.

DATED this 12th day of December, 2016

s/Barbara J. Rothstein
Barbara J. Rothstein,
United States District Judge

¹ Plaintiff's Objections indicate that he attached a USM-285 form for Defendant Randolph (*see* Dkt. No. 60), but the court docket indicates receipt of no such document. Plaintiff is ordered to resubmit the USM-285 for Defendant Randolph.